



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,974	06/08/2000	David Jau Young Lee	139.132USU1	9891

22462 7590 05/06/2004

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER

RYMAN, DANIEL J

ART UNIT PAPER NUMBER

2665

DATE MAILED: 05/06/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/589,974

Applicant(s)

LEE ET AL.

Examiner

Daniel J. Ryman

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


HUY B. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 2 and 5. NOTE: The amendments do not materially reduce or simplify the issues for appeal since the amendments only clarify the language of the claims. Therefore the amendments to the claims will not be entered. In addition, on pages 8-9 of the Response, Applicant argues that Lee fails to disclose "a router communicating with a base transceiver station using a proprietary interface while a home agent communicates with the router". Examiner, respectfully, disagrees. Examiner notes that the claim does not specifically describe the "proprietary interface". The term "proprietary" can be defined as "used by one having exclusive right". As such, Examiner maintains that any interface can be dubbed a "proprietary interface" in that every interface is used exclusively only by the devices attached to the interface. Given, the above arguments, Examiner maintains that Lee discloses the limitations of the claims as outlined in the Final Rejection. On pages 9-12, Applicant argues that Lee does not disclose transmitting messages between a variety of devices using an IP network or transmitting using the proprietary interface between the handoff server and the base transceiver station. Examiner, respectfully, disagrees. Since the networks in Lee are all IP, it is implicit, or at the very least obvious, that the communication between devices would occur using IP. In addition, as argued above, the "proprietary interface" is a very broad term. As such, Examiner maintains that Lee discloses the limitations in the claims as outlined in the Final Rejection. Applicant proceeds to argue that the other cited references do not overcome the deficiencies of Lee. Since Examiner maintains that Lee is not deficient, as Applicant asserts, there is no need to have the references overcome the supposed deficiencies of Lee. As such, Examiner maintains the rejection of the claims. Examiner urges Applicant to amend the claims in order to incorporate limitations in the claims which will distinguish the claims from the prior art. For instance, by defining the "proprietary interface" in a particular manner, Applicant could overcome the prior art.